

Message Text

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DRAFTED BY EUR/SOV:WDYESS:CR

APPROVED BY EUR/SOV:MKOVNER

L/UNA: MR. BETTAUER (SUBS)

IO/UNP:MR. HAGE (SUBS)

L/M/SCA:MR. MALMBORG (SUBS)

US ATTY SDRY:MR. EDWARDS (SUBS)

EUR:JAARMITAGE (SUBS)

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INFO AMEMBASSY MOSCOW

AMCONSUL LENINGRAD

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TAGS: PFOR USSR US

SUBJECT: COURT APPEARANCE OF SMUN SECOND SECRETARY

REF: USUN 0014, BETTAUER-KUTTNER, TELECON 1/3, DYESS-

KUTTNER TELECON 1/4

SOVIET EMBASSY MINISTER-COUNSELOR VORONTSOV INFORMED
EUR DEPUTY ASSISTANT SECRETARY ARMITAGE ON JANUARY 3 THAT
THE "SOVIET SIDE/ CONSENTED TO THE APPEARANCE IN COURT OF
SMUN SECOND SECRETARY KOSENKO TO TESTIFY IN ASSAULT CASE
PROVIDED CERTAIN ASSURANCES WERE GIVEN IN WRITING IN REGARD
TO KOSENKO'S DIPLOMATIC IMMUNITY. THESE WERE GIVEN.

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TEXTS OF THE NOTES EXCHANGED DATED JANUARY 3 FOLLOW.

SOVIET NOTE BEGIN TEXT.

/THE EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS

IN THE UNITED STATES OF AMERICA REFERS TO THE CORRESPONDING VERBAL REQUEST MADE BY MR. J. ARMITAGE, US DEPUTY ASSISTANT SECRETARY OF STATE, DURING A CONVERSATION WITH YU. M. VORONTSOV, COULSELOR-MINISTER OF THE EMBASSY ON DECEMBER 28, 1973, AND INFORMS THE DEPARTMENT OF STATE OF THE FOLLOWING.

THE SOVIET SIDE CONSENTS TO THE APPEARANCE IN AN AMERICAN COURT OF THE SOVIET DIPLOMAT G.M. KOSENKOV, A PURPOSE OF TESTIFYING AS A WITNESS IN THE CASE OF THE CRIMINAL BEHAVIOR OF ZIONIST HOOLIGANS WITH RESPECT TO THE SOVIET DIPLOMAT.

IN THIS CONNECTION THE SOVIET SIDE FIRMLY PROCEEDS FROM THE PREMISE THAT PARTICIPATION BY THE SOVIET DIPLOMAT IN THE COURT TRIAL DOES NOT IN ANY WAY AFFECT HIS DIPLOMATIC IMMUNITY. ACCORDINGLY, PRIOR TO G.M. KOSENKOV'S COURT APPEARANCE THE EMBASSY WOULD LIKE TO RECEIVE WRITTEN GUARANTEE FROM THE DEPARTMENT OF STATE AND THE NEW YORK CITY DISTRICT ATTORNEY'S OFFICE CONCERNING STRICT OBSERVANCE OF HIS DIPLOMATIC IMMUNITY.

THE SOVIET SIDE PROCEEDS FROM THE PREMISE THAT THE RELIGIOUS PROCEDURE OF CONFIRMING TESTIMONY WILL NOT BE APPLIED WITH RESPECT TO THE SOVIET DIPLOMAT.

WASHINGTON, D. C. JANUARY 3, 1974."

US NOTE BEGIN TEXT

THE DEPARTMENT REFERS TO THE NOTE OF THE EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF JANUARY 3, 1974, CONCERNING THE APPEARANCE OF THE SOVIET DIPLOMAT G. M. KOSENKOV, A MEMBER OF THE USSR MISSION TO THE UNITED NATIONS IN NEW YORK, IN AMERICAN COURT PROCEEDINGS FOR THE PURPOSE OF TESTIFYING AS A WITNESS WITH RESPECT TO LIMITED OFFICIAL USE

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AN ASSAULT WHICH OCCURRED AGAINST HIM ON MARCH 15, 1973.

THE DEPARTMENT BELIEVES THAT THE CONSENT OF THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE APPEARANCE OF MR. KOSENKOV WILL SERVE THE MUTUAL INTERESTS OF THE TWO COUNTRIES. THE DEPARTMENT NOTES THAT THE APPEARANCE OF MR. KOSENKOV WILL BE PURSUANT TO THE COMPLETELY VOLUNTARY DECISION OF THE GOVERNMENT OF

THE UNION OF SOVIET SOCIALIST REPUBLICS TO PERMIT HIM TO TESTIFY WITH REGARD TO THE FACTS OF THE INCIDENT IN QUESTION. THE DEPARTMENT ASSURES THE EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS THAT THIS PARTICIPATION IN THE COURT PROCEEDINGS WILL IN NO WAY AFFECT ANY OTHER ASPECT OF HIS DIPLOMATIC IMMUNITY, WHICH SHALL BE STRICTLY OBSERVED.

THE DEPARTMENT ALSO ASSURES THE EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS THAT NO RELIGIOUS PROCEDURE WILL BE APPLIED FOR THE PURPOSE OF CONFIRMING THE TESTIMONY OF MR. KOSENKOV.

THE DEPARTMENT HAS CONSULTED WITH THE OFFICE OF THE UNITED

STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK, WHICH IS IN FULL AGREEMENT WITH THE ABOVE.

DEPARTMENT OF STATE, WASHINGTON, JANUARY 3, 1974." KISSINGER

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